REMARKS

In response to the Examiner' Office Action of July 29, 2008, Applicants are herein presenting their considerations and response to the Examiner's Office Action. Claims 43 and 45-78 are pending in the present application. Claims 43, 45 and 75 are currently amended. Claim 44 has been cancelled.

Rejections under 35 U.S.C. §101

In response to the objection under 35 USC Section 101, Claim 43 has been amended to ensure that the method of the claim is tied to a communication network, a computing system and electronic device, and therefore clearly falls within allowable subject matter under Section 101. Support for the amendment is found throughout the specification, for example at p.5, lines 26-29; p.7, lines 24-32; and p.14, lines 28-32. The claim now is clearly tied to a particular apparatus. We submit that this objection is therefore overcome.

Rejections under 35 U.S.C. §112

Claim 75 is rejected under 35 U.S.C. §112.

Turning to the objection under 35 USC Section 112, the Examiner's attention is drawn to the amendment to Claim 75. The claim has been amended to remove any reference to a "stored value instrument" and we have replaced this phrase with the phrase "value transfer instrument". As this phase finds clear support at page 3, line 21, we believe this objection is now redundant.

Rejections under 35 U.S.C. §103

Claims 43, 71, 74 and 75 are rejected under 35 U.S.C. 103 as being unpatentable over WALKER et al. (US Patent No. 6,193,155) in view of BEACH et al. (U.S. Patent No. 5892827).

With regard to the obviousness objection under 35 USC Section 103 it is respectfully submitted that the claims clearly distinguish over the cited art, and are not obvious, even when WALKER (US 6,193,155) is combined with BEACH (US 5,892,827).

Returning to the disclosure of WALKER, the Examiner contends that WALKER discloses the step of generating alphanumeric token information. As stated in previous responses, the term "alphanumeric" encompasses a combination of both numerals and alphabet symbols. That is, the term alphanumeric is not restricted to numerals alone. In contrast, WALKER only teaches the provision of a "credit card like number". In particular, the Examiner is referred to the general disclosure of WALKER. Firstly, it is quite clear from the general description of the embodiment that WALKER is concerned with providing a gift certificate that is intimately tied to a credit card account. Indeed, at col. 5 lines 5 through 7 it is stated, in part:

"...a credit card issuer 102 produces a gift certificate associated with a credit card account".

Furthermore, in col. 6, there is reference to a "credit card processor central controller", a "credit card holder account table" and various other credit card specific systems.

Returning to col. 5, it is clearly stated that the certificate identifier is "an alias identifier which provides an indirect link to the credit card account with credit card holder 104. Preferably the gift certificate identifier is a 16-digit numeral value, which has not been previously assigned to an existing credit card account, so as to be compatible with conventional credit card transaction processing systems".

That is, the WALKER invention contemplates a system which is intimately tied to a credit card provider. Indeed, the background of WALKER clearly describes the invention as a useful promotional agent to existing credit card holders. In other words, WALKER does not contemplate an alphanumeric token, as, by definition, the invention of WALKER is intimately tied to a credit card account. Moreover, referring to col. 8, it is clear that no value is actually

transferred to the gift certificate at the time at which the gift certificate is purchased. Rather, the gift certificate has no inherent value, but only becomes activated once it is redeemed. This is clearly shown at col. 8 lines 19 through 21, which states, "account/certificate stores an identifier which indicates the account from which funds will be drawn to support the transaction". That is, a gift certificate in accordance with WALKER only withdraws money from a credit account at the point at which redemption occurs. In contrast, the claimed invention is a value transfer instrument, in the sense that the generated random alphanumeric token information represents a predefined value which is always redeemable. The redemption of a gift certificate in the claimed invention is always assured, as the transaction of funds from a purchaser's account to the provider of the gift certificate occurs at the point at which the gift certificate is purchased, not at the point at which the gift certificate is redeemed. This is a fundamental difference between WALKER and the claimed invention, as the claimed invention provides an assurance that, so long as the gift certificate was correctly purchased (i.e. the random alpha-numeric token information was not fraudulently generated), then the redeemer of the gift certificate is always assured that the transaction will be honoured.

This is a technical advantage, in addition to an "end-user" advantage, as the system of WALKER requires the system as whole to not only check the authenticity of the token information, but also to process a credit card transaction at the time of redemption.

Therefore, the applicant contends there are arguably three differences between WALKER and the present invention.

Firstly, WALKER is silent on the generation of alphanumeric token information. Secondly, WALKER is silent on the processing of a transaction at the point of purchase (i.e. creation) of the gift certificate. Rather, WALKER only processes the value of the gift certificate at the point at which the certificate is redeemed. Thirdly, by the Examiner's own admission, WALKER is silent on the question of random token information.

BEACH is also silent on the feature of the removal of funds from an appropriate account at the time at which a gift certificate (or other value transfer instrument) is generated. For this

reason, even where WALKER and BEACH are combined, all of the features of the claimed invention are not taken.

Moreover, BEACH is also silent on the generation of an alphanumeric token. That is, BEACH only contemplates the use of numerals. This essentially compromises the potential strength of the token information. As such, WALKER and BEACH, even where combined, are silent on two features of the independent claims.

As such, the invention is clearly not obvious in light of WALKER and BEACH.

Claims 65-69 and 72-73 are rejected under 35 U.S.C. 103 as being unpatentable over Walker et al. in view of BEACH and further in view of SCROGGIE et al. (U.S. Patent No. 6014634) and JACOVES et al. (U.S. Patent No. 6741968).

Turning to the objection at paragraph 37 through 48, it is contended that as both SCROGGIE and JACOVES are also silent on the two features described above, the applicant contends that all remaining claims are not obvious.

Since no combination of the references teachers or suggest each element of independent claims 43, 74 and 75, applicant respectfully submits that the rejections of dependent claims 44-73 and 76-78 under 35 U.S.C. 103 are also improper and should be withdrawn. Reconsideration is respectfully requested.

CONCLUSION

If any points remain an issue which the Examiner feels may be best resolved through a telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below. The Examiner is invited and encouraged to telephone the undersigned with any concerns in furtherance of the prosecution of the present application.

Please charge any deficiency as well as any other fee(s) which may become due at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account No. 50-2896.

Respectfully submitted,

January 29, 2009
Dated:

Joseph P. Quinn (Reg. No. 45,029)
Customer No. 71130
Attorney for Applicant(s)
SEYFARTH SHAW LLP
World Trade Center East
Two Seaport Lane, Suite 300
Boston, MA 02210
Tel: 617-946-4833
Fax: 617 946-4801
E-mail: bosippto@seyfarth.com